

Appln No. 10/764,086
Am dt date August 4, 2005
Reply to Office action of 5/4/2005

REMARKS/ARGUMENTS

In response to the Office action dated May 4, 2005, claims 1, 2, 10, 16, 18, 36, 38, 40-42, 45, 48, 52, and 56 have been amended for clarity. Claims 61 and 62 have been added and are directed to subject matter disclosed in the application as originally filed. No new matter has been added. Claims 1-62 are now pending in this application.

In the Office action dated May 4, 2005, claims 1-60 were pending. Claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,155,125 to Negherbon et al. Claims 18-60 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Negherbon et al. Claim 1 has been amended to clarify the diametral relation between the gears. Negherbon et al does not disclose nor suggest the gear sequence or the diametral relation between the gears of claim 1. Thus, it is respectfully submitted that claim 1, as well as claims 2-10 which are dependent upon claim 1, is in condition for allowance.

Claim 10 has been amended to clarify the respective gear ratios achieved by the coupling of the mainshaft and countershaft gears, as well as the nature of the shift rings. Negherbon teaches engagement of freely rotatable gears by other gears which translate along a mainshaft and a countershaft to engage the freely rotatable gears. Negherbon et al does not disclose or suggest a plurality of shift rings, wherein each shift ring forms a separate component of the motorcycle transmission. It is therefore respectfully submitted that claim

Appln No. 10/764,086
Amdt date August 4, 2005
Reply to Office action of 5/4/2005

10, as well as claims 11-17 which are dependent on claim 10, is in condition for allowance.

Claims 18-60 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. One of ordinary skill in the art would understand the meaning of the term "stock" to include components included by the manufacturer of the device (see Negherbon et al. 3:42,49,56). The term "stock Harley Davidson® five speed transmission case" therefore refers to a five speed transmission forming part of a Harley Davidson® motorcycle when the motorcycle is sold from the manufacturer Harley Davidson® to a consumer or retailer. The term "stock Harley Davidson® five speed transmission case" has been deleted from the independent claims 18 and 41, but has been added to new dependent claims 42 61 and 62. The term "stock Harley Davidson®" remains in dependent claims 43, 50, 46, 53. The term "stock" appears in other claims.

The term "trapdoor" is defined in the specification and is understood by those skilled in the art to be a removable side wall of a transmission case (see Negherbon et al. 1:45-47; 5:50; FIG. 1A). "Claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art." *In Re Bond*, 910 F.2d 831, 833 (Fed. Cir. 1990). Therefore, it is respectfully submitted that the terms "trapdoor," "stock," "stock Harley Davidson®," and "stock Harley Davidson® five speed transmission case," claims 18-62 meet the requirements of 35 U.S.C. § 112, second paragraph.

Appln No. 10/764,086
Amdt date August 4, 2005
Reply to Office action of 5/4/2005

In view of the foregoing remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By

Gregory S. Lampert
Reg. No. 351581
626/795-9900

CM/rtj

JMP PAS629506.1--08/4/05 11:16 AM